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In re Application of :
Rainer KLUSEMANN :
Application No.: 09/913,340 :
PCT No.: PCT/EP00/01380 :
Int. Filing Date: 19 February 2000 :
Priority Date: 27 February 1999 :
Attorney Docket No.: 10543-024 :
For: METHOD AND DEVICE FOR :
DETERMINING THE VEHICLE REFERENCE :
SPEED AND FOR DETECTING AN :
INCORRECT VEHICLE REFERENCE SPEED :
OF AN ALL-WHEEL DRIVE VEHICLE :

DECISION ON
PETITIONS
UNDER 37 CFR 1.181
AND 37 CFR 1.182

This decision is in response to the "STATUS LETTER" filed 28 July 2003 and ensuing communication filed 23 October 2003. Both communications have been treated as a petition under 37 CFR 1.181 requesting acceptance of a copy of the "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed with the petition as being submitted on 11 March 2002 in the above-captioned application. The petition is **GRANTED** as follows:

No petition fee is required.

The evidence submitted by applicant, which includes a copy of the postcard receipt with a USPTO mailroom stamped date of 11 March 2002 itemizing all the papers submitted on filing in the above-captioned application, is sufficient to establish that a "Response to Notification of Defective Response" has been received in the Office on 11 March 2002. The postcard receipt clearly shows that 5 sheets of drawings and a copy of the (USPTO) Notice for applicant "Rainer Klusemann" bearing docket No. 10543-024 filed "8/11/01" were addressed to the "USPTO". Accordingly, acceptance of a copy of the communication filed with the petition as being filed on 11 March 2002 is appropriate.

A review of the Response filed 11 March 2002 reveals that the serial number listed thereon misidentified the application as 09/913,336 although all the other data were consistent

with the present application, namely serial number 09/913,340. The avenue of relief in such situations is a petition under 37 CFR 1.182 for correction of the serial number from 09/913,336 to 09/913,340, and therefore, a \$130.00 petition fee under 37 CFR 1.17(h) has been charged to Deposit account No.23-1925 as authorized in the Response of 11 March 2002.

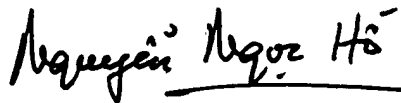
Applicant's request for correction of the serial number on the papers filed 11 March 2002 is accepted in view of the fact that, although the serial number was erroneous, the docket number, the applicant's name and the filing date of the national stage papers listed on the return postcard matched the correct file, namely 09/913,340, for which the response was intended. With the acceptance of applicant's request, the response to the Notification of Missing Requirements is considered to be timely and therefore the petition under 37 CFR 1.182 is GRANTED.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision, that is, a) for correction of the serial number on the Response of 11 March 2002 from 09/913,336 to 09/913,340, and b) for entry of the papers submitted on 23 October 2003 as being filed on 11 March 2002.



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